

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PATHMARK STORES, INC.,	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
GATOR MONUMENT PARTNERS, LLP,	:	
Defendant.	:	NO. 08-3082

ORDER

AND NOW, this 21st day of December 2009, upon consideration of the Motion for Summary Judgement filed by Plaintiff Pathmark Stores, Inc. (Docket No. 29) and the Motion for Partial Summary Judgment filed by Defendant Gator Monument Partners, LLP (Docket No. 30) and all related briefing (Docket Nos. 34, 35, 38, 40, 49, 50), it is hereby ORDERED that Pathmark's Motion for Summary Judgement (Docket No. 29) is GRANTED IN PART and DENIED IN PART, and that Gator's Motion for Partial Summary Judgment (Docket No. 30) is DENIED, as set forth in the accompanying memorandum.

BY THE COURT:

S/Gene E.K. Pratter
GENE E. K. PRATTER
UNITED STATES DISTRICT JUDGE